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id: 29347  
date: 3/22/2005 18:31  
refid: 05BOGOTA2649  
origin: Embassy Bogota  
classification: CONFIDENTIAL  
destination: 05BOGOTA2306|05BOGOTA2582  
header:

This record is a partial extract of the original cable. The full text of the original cable is not available.

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C O N F I D E N T I A L SECTION 01 OF 04 BOGOTA 002649

SIPDIS

E.O. 12958: DECL: 03/22/2015  
TAGS: [PTER](#) [KJUS](#) [PINR](#) [PREL](#) [PHUM](#) [CO](#)  
SUBJECT: CONGRESS PASSES 29 ARTICLES IN DEMOBILIZATION LAW

REF: A. BOGOTA 2582  
[B](#). BOGOTA 2306

Classified By: Ambassador William B. Wood for reasons 1.4 (b) and (d).

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Summary  
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[1](#)1. (C) Before pausing for holy week, Congress passed 29 out of 67 articles in the draft Law for Justice and Peace. Disagreement over controversial issues, including confession, alleged extradition loopholes, and reduction of jail sentences for all prisoners remain unresolved. The GOC will propose two additional clauses to prevent drug trafficking from being a political crime and to block eligibility for crimes committed before membership in an illegal armed group. These amendments should help ease speculation that beneficiaries could avoid extradition. Voting will resume on March 29. Most of our Congressional contacts have told us that the GOC has the votes to pass its draft of the law. However, demobilization and the peace process remain highly sensitive issues, and it is not clear if voting will follow the traditional pro-Uribe/anti-Uribe pattern. End Summary.

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Benign Articles Passing Easily  
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[1](#)2. (U) On March 15 and 16, the House and Senate first committees passed 29 articles in the GOC's draft Law for Justice and Peace. Minor modifications were made to some articles, but, for the most part, they passed unanimously or with a large majority. (See paragraph nine for full list.) Prior to the debate, a small group of Congressmen in favor of the GOC draft or Senator Rafael Pardo's rival draft had reached consensus on the articles that were subsequently passed. None of the approved articles dealt with the contentious issues of confession, alleged extradition loopholes, or blanket sentence reductions for prisoners.

[1](#)3. (U) Voting on article two was postponed because of disagreement over whether or not an internal armed conflict exists. On article three, a large part of the debate focused on the GOC's definition of an alternative sentence. Pardo supporters complained that the GOC's definition would not hold beneficiaries sufficiently accountable for behavior after prison and suggested using Pardo's language on conditional liberty, which calls for longer parole periods. The GOC revised its draft to lengthen the probationary period from one-fifth of the sentence of serious crimes to one-half (i.e. 2.5 to four years) and pushed through the article. Proposals to make the law statutory instead of ordinary legislation and to allow the United Self Defense Forces of Colombia (AUC) present their views on the law to Congress were rejected. Voting was supposed to continue on March 17, but the session was suspended for lack of a quorum. Congress will resume on March 29 after holy week.

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Contentious Issues Remain  
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[1](#)4. (C) The debate will get more heated and less predictable when voting begins on the remaining 38 articles, which deal with alleged loopholes to avoid extradition (articles 10, 20, and 64), confession (articles 15, 17, 21, and 25), and blanket sentence reductions for all prisoners (article 61). Senator Rodrigo Rivera has repeatedly complained that the combination of articles 10, 20, and 64 create a "narcomico" (inserted text to provide benefits for drug traffickers) that would make narcotrafficking a political crime and therefore

blocked from extradition. In order to end speculation that the law would benefit drug traffickers, the GOC will propose two additional clauses stating that: (1) drug trafficking cannot be considered a political crime or connected to any political crimes, and (2) the law only applies to crimes committed when a beneficiary was a member of the illegal armed group. This second addition will exclude paramilitaries, such as Diego Murrillo, who were active drug traffickers before purchasing an AUC bloc. Senator German Vargas Lleras announced that he also plans to suggest a clause to prevent anyone who personally benefited from drug trafficking from receiving an alternative sentence. The exact language of these additions has not been finalized yet.

15. (C) Little has changed so far regarding other contentious issues. Senator Pardo and his supporters continue to insist that a full confession is required to ensure the turnover of illicit assets and dismantlement of the illegal armed group. Many Congressmen continue to question the reason behind allowing all prisoners the chance to reduce their sentence if they collaborate with authorities and give reparations to victims.

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Uncertain Political Terrian  
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16. (C) Our contacts in Congress tell us that the GOC has enough votes to pass its version of the law despite disagreements over certain articles. While the political balance in the Congress is fluid, the combination of diehard "Uribistas" and Conservatives constitute clear majorities in both houses. Opponents of the GOC bill, including Pardo himself and leftist Democratic Alternative Party (AD) head Senator Carlos Gaviria, have admitted privately that the GOC draft will likely pass. In the 19-member Senate First Committee, for example, strong opponents of the GOC draft number nine at most: four "Officialist" Liberals, three members of small left and center-left parties, and (possibly) two Uribista fence-sitters. In the House Committee, which totals 35 members, the total number of strong opponents is at most 13. Those 13 include two members of the "Pardo" group, both of whom have shown signs in recent days of being willing to compromise with the GOC on a text. Turning to the 102-member full Senate, the Officialist Liberals, left/center-left, and independents number roughly 30. The addition of -- at most -- five "Pastrana" Conservatives to the foregoing still augurs for an ample pro-Uribe majority on the legislation. In the full House, the numbers are even more strongly pro-Uribe, with Uribista Liberals and Conservatives accounting for roughly 110 of 166 total members.

17. (C) However, the bill is politically sensitive and it is unclear whether the traditional pro-Uribe/anti-Uribe lineup (which favors Presidential initiatives) will prevail. Already the debate has led to unexpected political alliances. For example, Representative Rocio Arias, an outspoken AUC supporter, joined with Senator Dario Martinez, a proponent of harsher punishments for the AUC, to propose that the law be treated as statutory rather than ordinary legislation. Many strong Uribistas are from areas dominated by the AUC and may be pressured to vote for more lenient language. First Committee President Mauricio Pimiento, a native of heavily AUC-influenced Cesar Department, voted in favor of allowing AUC members to present their views to Congress after Minister of Interior and Justice Sabas Pretelt advised against it. Vice Minister of Interior Hernando Angarita has said privately that Pimiento was attempting to move the GOC toward a bill more palatable to AUC leadership.

18. (C) A persistent rumor in Colombia is that paramilitaries exert strong influence over 30 percent of Congress. The figure is probably exaggerated, but the AUC undoubtedly has the political sympathy of some members of Congress who believe paramilitary actions were initially motivated by practical expediency or even patriotism. The AUC will continue to look for ways to leverage its influence. For example, Congressional elections are in March 2006. Although the government reimburses candidates for some election expenses, Congressional races are still financed primarily by private donations, and the AUC can put a lot of money on the table.

19. (C) Comment: We are seeing some progress in areas where the Embassy has been working: longer probation periods, removal of obstacles to extradition, and clearer language ruling out benefits for activities prior to membership in an IAG.

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Articles passed  
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10. (U) The following articles have been approved:  
1: Purpose of law is to facilitate collective and individual

demobilization, rights to truth, justice, and reparation are guaranteed, and guerrilla or paramilitary groups are eligible.

3: Defines alternative sentences as replacing an original sentence with an alternative sentence provided the beneficiary obeys the conditions of law, including contributing to national peace, collaborating with the justice system, repairing victims, and re-socializing. (Pardo supporters voted against.)

4: Establishes the right to truth, justice, and reparations.

5: Defines victim. (Pardo supporters made two textual changes.)

6: Defines the right to justice, including that the state must conduct an investigation and take measures to prevent new crimes.

17: Defines right to truth for all victims and specifies that the law cannot impede future, non-penal truth mechanisms.

18: Defines the right to reparation, including restitution, compensation, rehabilitation, satisfaction, and guarantees against future crimes.

9: Defines demobilization as an individual or collective act of disarming and abandoning an illegal armed group.

39: The State guarantees a victim's right to the administration of justice. (Senator Mario Uribe made a textual change.)

41: In order to protect victims some trials will be closed to the public.

42: Witnesses and their family members will be protected.

43: Any special needs, especially of children participating in the judicial process, will be met. (Senator Antonio Navarro Wolff included women's special needs.)

44: Beneficiaries are required to give reparations to victims. (Pardo added text.)

45: The Superior District Court will decide both economic and moral reparations.

46: A beneficiary must fulfill all reparations, including restitution, compensation, rehabilitation, and satisfaction for victims. (Pardo removed the requirement to cooperate with the National Reparation and Reconciliation Committee. Senator Vargas Lleras added minor textual changes.)

47: Victims can request reparations through the Superior District Court.

48: Restitution implies returning the victim to his state before the violation occurred. This includes return of property.

49: Rehabilitation includes medical and psychological assistance for victims and their relatives paid for by the Reparations Fund.

50: Names the measures to be taken to guarantee victims are satisfied and crimes against them are not repeated. The measures can include verification of events, search for disappeared persons or graves, the Superior District Court can order public commemorations, and human rights training for perpetrators.

51: The government must implement collective reparations programs to re-establish state institutions in areas affected by the violence if advised to so by the Reparations and Reconciliation Committee.

52: A National Reparation and Reconciliation Committee will be created. (Three Congressmen made minor changes.)

53: The Committee will oversee the alternative sentencing and reparation process and conduct a public study on the evolution of illegal armed group. (The Committee's power to suggest reparations or revocation of benefits was removed.)

54: Regional committees will be created to oversee local reparations, especially the return of land.

55: The regional committees will have local and national officials. (Two congressmen made minor changes.)

56: A reparations fund will be created and managed by the Social Solidarity Network (RSS). (Senator Uribe made a minor textual change.)

57: The RSS will compensate victims with the fund, administer the fund, and provide other reparations as needed.

58: The State is responsible for preserving historical memory of the causes and actions of the illegal armed groups.

59: The Inspector General (Procurador) will keep the archives intact.

60: Public access to the archives is guaranteed except when victims need to be protected.

WOOD

=====CABLE ENDS=====